

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Johnnie M. DuBose,)
) C. A. No. 1:07-cv-00045
Plaintiff,)
)
v.)
)
Michael Walsh, in His Official Capacity as New)
Castle County Sheriff; American Business Credit)
(ABC); Robert K. Beste, Jr.; Maggie Clausell, Esq.,)
)
Defendants.)

**RESPONSE OF DEFENDANT ROBERT K. BESTE, JR., ESQUIRE
TO PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

COMES NOW, Defendant Robert K. Beste, Jr., Esquire (hereinafter "Beste"), and respectfully responds to Plaintiff's Motion for Default Judgment, filed in this matter on March 15, 2007, as follows:

1. Beste was personally served with the Complaint on January 23, 2007.
2. On February 13, 2007, Beste filed a Motion to Dismiss.
3. In accordance with Fed. R. Civ. P. 12(a)(4), an answer is not due until the Court has approved, denied, or otherwise resolved the Motion to Dismiss filed by Beste.
4. Beste is not in default, in that no answer is due.

WHEREFORE, Defendant Beste respectfully submits that Plaintiff's Motion for Default Judgment should be denied.

Cohen, Seglias, Pallas, Greenhall & Furman, PC



Robert K. Beste, Jr., Esq. (I. D. No. 154)
1007 Orange St., Nemours Bldg., Ste. 1130
Wilmington, DE 19801 / Phone: (302) 425-5089

Date: 3/16/07

CERTIFICATE OF SERVICE

I, Robert K. Beste, Jr., do hereby certify that on this 16 day of March, 2007, two true and correct copies of the attached "Response of Defendant Robert K. Beste, Jr. to Plaintiff's Motion for Default Judgment," were given to the following, by the method indicated:

By First-Class Mail

Johnnie M. DuBose
4 Teakwood Lane
Wilmington, DE 19801

American Business Credit, Inc.
c/o Wilmington Trust SP Services
3411 Silverside Road
Springer Building – Suite 103
Wilmington, DE 19810

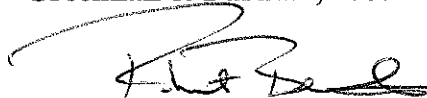
Michelle D. Allen, Esquire
Assistant County Attorney
New Castle County Law Dept.
87 Reads Way
New Castle, DE 19720

George L. Miller, Chapter 7 Trustee
Miller Coffey Tate, LLP
8 Penn Center, Suite 980
Philadelphia, PA 19103

By First-Class Mail and Electronically

Paul Cottrell, Esq./Patrick M. McGrory, Esq.
Tighe & Cottrell, P.A.
One Customs House, Suite 500
P. O. Box 1031
Wilmington, DE 19899

**Cohen, Seglias, Pallas,
Greenhall & Furman, P.C.**



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